

CRM-M-28151-2021 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

**CRM-M-28151-2021 (O&M).
Decided on: December 7, 2021.**

Akashdeep

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Rakesh Kumar, Advocate, for
 Mr.Kuldip Singh, Advocate,
 for the petitioner.**

Mr.Arun Kumar Kaundal, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail in FIR No.9 dated 19.2.2021, under Sections 379 and 411 IPC, registered at Police Station, Arif Ke, District Ferozepur.

As per the FIR which was lodged on the basis of information received by the police party, one Jugraj Singh @ Jeeta son of

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Gajjan Singh, resident of Jaimal Wala, who is habitual of selling the stolen motorcycle after committing theft of the same, while travelling on stolen motorcycle Hero Splendor Plus without number black colour silver lining is travelling to Ferozepur City from village Jaimal Wala and thereafter, the police party arrested said Jugraj Singh @ Jeeta.

On 20.7.2021, while relying upon the contentions raised by the learned counsel for the petitioner that name of the petitioner was nominated on the basis of disclosure statement made by co-accused Jugraj Singh @ Jeeta and that the petitioner was falsely implicated in the present Case, this Court had issued notice of motion and had also granted interim protection to the petitioner subject to the abiding by the conditions contained under Section 438 (2) Cr.P.C. failing which the interim protection granted to the petitioner was to be vacated.

On 31.8.2021, learned State counsel had stated that although the petitioner has joined investigation but he is not cooperating in the same and recovery of stolen motorcycles sold by the petitioner along with co-accused is yet to be made and interim order was directed to continue till the next date.

Thereafter on 6.10.2021, the petitioner was again directed to join investigation and to fully cooperate with the Investigating Agency and interim order was to continue till the next date.

Again on 30.11.2021, the learned State counsel had submitted that the petitioner has not cooperated with the investigation process and has not provided the requisite information with regard to the

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recovery of the motorcycles and the learned counsel for the petitioner had submitted that the petitioner has fully cooperated with the investigation process and he will again join the investigation and will provide the requisite information to the IO and had prayed for last opportunity in this regard and therefore, interim order was directed to continue only till the next date of hearing.

Today, again learned State counsel, on instructions from ASI Amarpreet Singh, has submitted that the petitioner had not cooperated with the investigation process and had not disclosed as to where the motorcycles were sold and disposed of by the petitioner and the co-accused.

Learned State counsel while relying upon the status report filed by way of affidavit of the Deputy Superintendent of Police (City), Ferozepur, District Ferozepur, has submitted that during investigation, co-accused Jugraj Singh disclosed that at the time of selling the motorcycles from Kulgari, Ferozepur City, the petitioner was always accompanied with him and out of total 15 stolen motorcycles some motorcycles were sold by petitioner to some unknown persons and on the basis of said disclosure statement, petitioner was nominated as an accused in the present case. He further submitted that although on 4.8.2021, the petitioner had joined investigation and got recorded his disclosure statement under Section 27 of the Evidence Act that he along with Jugraj Singh had stolen number of motorcycles and thereafter, used to divide the stolen motorcycles between them but the petitioner has not cooperated with the investigating agency as he is not disclosing the details of motorcycles sold

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by him and details of person to whom he had sold the stolen motorcycles and therefore, custodial interrogation of the petitioner is required and the investigation is still going on.

I have heard the learned counsel for the parties.

The petitioner was granted interim bail by this Court on 20.7.2021, subject to his joining investigation and cooperating with the investigation process and further to abide by the conditions under Section 438 (2) Cr.P.C. with a specific condition that failing to do so the interim protection shall stand vacated. However, the petitioner did not cooperate in the investigation process as per the learned State counsel and even thereafter also interim order was extended thrice and on the last date of hearing, learned counsel for the petitioner had submitted that he will now cooperate with the investigation process and therefore, last opportunity was granted. It is a matter pertaining to theft of 15 motorcycles and the allegations are that the petitioner along with co-accused Jugraj Singh had stolen the motorcycles and had distributed the share between them and had sold the same to somebody else. Despite the fact that interim protection was granted to the petitioner thrice, he did not cooperate with the investigation process and therefore, the petitioner does not deserve the concession of anticipatory bail.

In view of aforesaid position, the present petition is, hereby, dismissed. Interim protection shall stand vacated.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only

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for the purpose of decision of present petition.

December 7, 2021.	(JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No